

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

GREAT BOWERY, INC.,

Plaintiff,

No. 6:20-cv-00009-MK

v.

ORDER

**CASCADE DIGITAL MEDIA,
LLC; DOES 1-10 INCLUSIVE,**

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai on July 15, 2021. ECF No. 31. Judge Kasubhai recommends Defendant Cascade Digital Media, LLC's Motion for Summary Judgment, ECF No. 16, be GRANTED; that Plaintiff Great Bowery Inc.'s Motion for Summary Judgment, ECF No. 18, be DENIED; that Defendant's Motion for Imposition of Sanctions, ECF No. 23, be DENIED as MOOT; and that this case be DISMISSED for Plaintiff's lack of standing.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 33, and Defendant has filed a Response, ECF No. 34. The Court has reviewed the record, the F&R, the Objections, and Response and finds no error. The F&R, ECF No. 31, is therefore ADOPTED. Defendant’s Motion for Summary Judgment, ECF No. 16, is GRANTED. Plaintiff’s Motion for Summary Judgment, ECF No. 18, is DENIED. Defendant’s Motion for Imposition of Sanctions, ECF No. 23, is DENIED as MOOT. This case is DISMISSED and final judgment shall be entered accordingly.

It is so ORDERED and DATED this 29th day of March 2022.

/s/Ann Aiken
ANN AIKEN
United States District Judge